

## REMARKS

In the Office Action, the Examiner objected to the specification, rejected claims 1-2, 4-8, and 34-47 under 35 USC 112, and rejected the claims under 35 USC §102 and 35 USC §103. Applicant respectfully traverses these rejections.

The specification and claims have been amended to correct various typographical errors. Claims 1-2, 4-9, 11-27, and 29-42 remain pending.

Reconsideration of the application is respectfully requested based on the following remarks.

### REJECTION OF CLAIMS UNDER 35 USC §102

In the Office Action, the Examiner rejected claims 1-2, 4, 6-8, and 42 under 35 USC §102(e) as being anticipated by Brendel, U.S. Patent No. 6,587,438, ('Brendel' hereinafter). This rejection is respectfully traversed.

Claim 1, as amended, recites, in part:

"sending a plurality of response packets in response to receiving the service request, each of the plurality of response packets identifying a different type of service via which to send the one of the plurality of response packets~~or responding packet~~, wherein the type of service directly corresponds to a service provider such that each of the plurality of response packets identifies a different one of a plurality of service providers; and

maintaining a mapping of each different type of service to an IP address, thereby enabling the service request to be processed via an IP address associated with a type of service identified in a first one of the plurality of response packets to be received."

It is important to note that Brendel says nothing about sending a plurality of response packets, where each of the response packets identifies a different type of service, where the type of service directly corresponds to a service provider such that each of the plurality of response packets identifies a different one of a plurality of service providers. Moreover, Brendel says nothing about maintaining a mapping of each different type of service to an IP

AUG 10 2007

address, where the type of service directly corresponds to a different one of a plurality of service providers.

In fact, Brendel says nothing about transmitting a plurality of response packets, where each response packet is transmitted via a different one of a plurality of service providers. Rather, col. 5, lines 57-64 of Brendel indicate that each packet is transmitted via the same ISP. Accordingly, Applicant respectfully submits that Brendel fails to anticipate the claims 1-2, 4, 6-8, and 42.

#### **REJECTION OF CLAIMS UNDER 35 USC §103**

In the Office Action, the Examiner rejected claims 5, 9, 11-20, and 22-26 under 35 USC §103 as being unpatentable over Brendel, in view of Coughlin, U.S. Patent No. 6,810,411, ('Coughlin' hereinafter). This rejection is respectfully traversed.

Applicant respectfully asserts that Coughlin fails to cure the deficiencies of Brendel, as set forth above. Moreover, it is important to note that Brendel indicates that each packet be transmitted via the same ISP. See col. 5, lines 57-64. As such, Applicant respectfully asserts that Brendel teaches away from transmitting a plurality of response packets, where each of the response packets is transmitted via a different ISP. In addition, although Coughlin teaches mapping host names to IP addresses, Coughlin fails to show or suggest a service field that indicates a type of service corresponding to one of the plurality of service providers. Moreover, the combination of the cited references would fail to achieve the desired result. Accordingly, Applicant respectfully asserts that claims 5, 9, 11-20, and 22-26 are patentable over the cited references.

In the Office Action, the Examiner rejected claim 21 under 35 USC §103 as being unpatentable over Brendel, in view of Coughlin, in view of Brendel, U.S. Patent No. 6,18,411, ('Brendel2' hereinafter). This rejection is respectfully traversed.

The Examiner admits that Brendel and Coughlin do not specifically teach wherein the client DNS server is configured to obtain an IP address of the service provider corresponding to the type of service from a mapping table. The Examiner seeks to cure the deficiencies of Brendel and Coughlin with Brendel2.

Applicant respectfully asserts that Brendel2 fails to cure the deficiencies of Brendel and Coughlin, as set forth above. As set forth above, Brendel requires that each packet be transmitted via the same ISP. See col. 5, lines 57-64. As such, Applicant respectfully asserts that Brendel teaches away from transmitting a plurality of response packets, where each of the response packets is transmitted via a different ISP. In addition, although Coughlin teaches mapping host names to IP addresses, Coughlin fails to show or suggest a service field that indicates a type of service corresponding to one of the plurality of service providers. Brendel2 fails to cure the deficiencies of Brendel and Coughlin. As such, the combination of the cited references would fail to achieve the desired result. Accordingly, Applicant respectfully asserts that claim 21 is patentable over the cited references.

In the Office Action, the Examiner rejected claims 27, 29-33, and 38-41 under 35 USC §103 as being unpatentable over Brendel, in view of Coughlin Bohannon et al, U.S. Patent No. 7, 103,651, ('Bohannon' hereinafter). This rejection is respectfully traversed.

Applicant respectfully asserts that Bohannon fails to cure the deficiencies of Brendel, as set forth above. As set forth above, Brendel requires that each packet be transmitted via the same ISP. See col. 5, lines 57-64. As such, Applicant respectfully asserts that Brendel teaches away from transmitting a plurality of response packets, where each of the response packets is transmitted via a different ISP. Bohannon fails to cure the deficiencies of Brendel. As such, the combination of the cited references would fail to achieve the desired result. Accordingly, Applicant respectfully asserts that claims 27, 29-33, and 38-41 are patentable over the cited references.

In the Office Action, the Examiner rejected claims 34-37 under 35 USC §103 as being unpatentable over Brendel and Bohannon, in view of Coughlin. This rejection is respectfully traversed.

Applicant respectfully asserts that Coughlin fails to cure the deficiencies of Brendel and Bohannon. As set forth above, Brendel requires that each packet be transmitted via the same ISP. See col. 5, lines 57-64. As such, Applicant respectfully asserts that Brendel teaches away from transmitting a plurality of response packets, where each of the response packets is transmitted via a different ISP. Coughlin similarly refers to "the ISP," thereby

AUG 10 2007

implying that a plurality of packets are transmitted via a single ISP. As such, Applicant respectfully asserts that the combination of the cited references would fail to achieve the desired result. Accordingly, Applicant respectfully asserts that claims 34-37 are patentable over the cited references.

Based on the foregoing, it is submitted that the remaining independent claims are also patentable over the cited references. In addition, it is submitted that the dependent claims are also patentable for at least the same reasons. The limitations recited in the independent claims or the dependent claims are not further-discussed as the above-discussed reasons are clearly sufficient to distinguish the pending claims from the cited art. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103.

**SUMMARY**

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISC199).

Respectfully submitted,  
BEYER, WEAVER LLP



Elise R. Heilbrunn  
Reg. No. 42,649

PO Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100